

REMARKS

By this amendment Claims 1, 4/1 and 5-7 have been canceled. Therefore, on entering this Amendment, Claims 2, 3, 4/1 and 4/3 are all the claims presently pending in the application.

Claims 2, 3, 4/2, 4/3 are allowed

Claims 1, 4/1 are rejected.

Specification is objected to by the Examiner

Claims 1 and 4/1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' Admitted Prior Art, hereinafter AAPA, in view of Suzuki Yasuo (JP 2001-230567).

The Applicants traverse the rejections and request reconsideration.

Specification

The Applicant reiterates that the Examiner is incorrect in his requirement. The Examiner refers to section 1.78(a) of the patent rules. However, that section deals with claiming benefit of an earlier filing date under 35 U.S.C. §§119 (e), 120, 121 and 365(c) of US patent laws. The present Application does not fall under any of those categories. The present Application is a national stage entry under 35 U.S.C. § 371 and claims foreign priority under 35 U.S.C. § 119(a)-(d) of US patent laws. There is not requirement for a cross-reference to related applications for national stage entry under section 371 or foreign priority under sections 119(a)-(d). In fact, it is believed to be incorrect and a mistake to include such a cross-reference in the present case.

The Applicants thank the Supervisory Patent Examiner David Bryant for the telephonic interview with the Applicants representative. The supervisory patent examiner agreed that the Applicants are correct in their position. Therefore, the Examiner is respectfully requested to withdraw the objections as well as his incorrect and unfounded

assertion on item 6, page 5 of the outstanding Office Action that the Applicant does not want to Claimed Priority Date.

The Applicant reiterates in no uncertain terms that this Application is a national stage entry under 35 U.S.C § 371 of International Application PCT/JP03/13143 which claims priority under 35 U.S.C § 119(a)-(d) from Japanese Patent Application 10/21/08.

Claim Rejections Under 35 U.S.C. 103(a)

Rejection of Claims 1 and 4/1 as being unpatentable over Applicants' Admitted Prior Art and Yasuo

The above claims have been canceled rendering their rejection moot.

Allowable claims

Since there are no pending grounds for the rejection of the outstanding claims, they should all be passed into allowance.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Chidambaram.S.Iyer/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/265550

65565

CUSTOMER NUMBER

Chid S. Iyer
Registration No. 43,355

Date: February 12, 2009